

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,
v.
Bernardo Marin-Nevarez,
Defendant.

MAGISTRATE NO. 11-10489M

Order Granting Parties' Joint Motion to Extend Time to Indict

HAVING considered the parties' Joint Motion for Extension of Time to Indict and good cause having been shown;

THE COURT makes the following findings:

1. Counsel for defendant has only recently been appointed;
 2. The defendant earnestly wishes to consider the plea offer extended by the government;
 3. The defendant wishes to investigate possible defenses prior to considering the government's plea offer, which is made pursuant to a 'fast track' early disposition program authorized by the Department of Justice pursuant to § 401(m) of the Prosecuting Remedies and Tools Against the Exploitation of Children Today Act of 2003 (PROTECT Act), Pub. L. 108-21, 117 Stat. 650 (Apr. 30, 2003);
 4. The government's plea offer, if accepted by the defendant and then the court, would likely reduce defendant's exposure to a significant term of imprisonment;
 5. If the defendant does not timely accept the plea offer prior to indictment, the government will withdraw said plea offer and any subsequent plea offer after indictment would likely be less advantageous to the defendant;

6. Failure to extend time for indictment in this instance would thus operate to bar defendant from reviewing the government's plea offer in a meaningful way prior to indictment;
 7. Granting an extension of time for indictment in this case is likely to result in the case being resolved earlier, which would further the public's interest in the timely and efficient administration of justice; and
 8. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

IT IS HEREBY ORDERED that the parties' Joint Motion for Extension of Time

7 to Indict requesting a single extension of thirty (30) days within which the government
8 may seek to indict defendant, is hereby granted.

9 IT IS FURTHER ORDERED excluding thirty (30) days for Speedy Indictment
10 purposes.

Excludable delay under 18 U.S.C. §3161(h)(8)(A) and (B)(iv) would be found to commence on the 31st day after arrest for a total of thirty (30) days.

Dated this 18th day of November, 2011.

James F. Metcalf
United States Magistrate Judge